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REMARKS

The Office Action of October 6, 2006, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 21, 37, 51, 53, 55 and 57 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In addition, claims 21 and 37 were rejected under 35 U.S.C. § 102 (b) as being anticipated by *Quercioli* (U.S. Patent No. 6,227,741) and claims 21, 37, 51, 53, 55 and 57 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kirita* (U.S. Patent No. 6,659,672) in view of *Takanashi et al* (U.S. Patent No. 6,428,235) and *Madaus et al.* (U.S. Patent No. 4,979,840).

At the outset, Applicant draws the Examiner's attention to the Information Disclosure Statement submitted November 30, 2006, and kindly requests acknowledgment thereof in the next official action.

Further, responsive to the rejection under Section 112, claim 21 has been amended to remove the phrase "described above" and thus remove any alleged indefiniteness. With regards to claim 37, claim 37 has been amended to clarify that it is the material forming the guiding feed, or at least the surface of the guiding feed which contacts the ink, which has a smaller surface tension than that of the ink to be used. In view of the above amendments, Applicant respectfully submits the rejections under Section 112 have been obviated.

By way of clarification, a preferred embodiment of the invention is directed to a writing instrument having an ink occlusion body, an ink guiding feed, and a pen tip. Ink stored in the ink occlusion body fills the ink guiding feed, which is preferably a

hollow ink passage allowing free movement of the ink and which allows visibility therewithin. When the ink stored in the occlusion body is exhausted, the user can readily determine the same by visually inspecting the ink guiding feed.

The primary reference upon which the Examiner relies, Quercioli, is directed to a felt tip or fiber tip or similar type of roller ball or ballpoint pen. Contrary to the claimed invention, the writing tip 9 is a felt or fiber tip which will be permanently tinted by the ink during use. Thus, it is impossible for a user to detect when the ink will be exhausted through visual observation of the felt/fiber tip 9, since it will continue to have the same color as the ink during use. Accordingly, the Examiner's assumption that a sign of exhausting the ink fed from the ink occlusion body can be inherently detected by observing the writing tip 9 is not correct. Applicant respectfully submits that Quercioli does not disclose a writing instrument in which "a sign of exhausting the ink fed from the ink occlusion body is detected by visually observing the ink guiding feed via a visible part formed in the barrel," as recited in claim 21, or "an ink guiding feed formed of a transparent or translucent material disposed between the ink occlusion body and the pen tip," as recited in newly added claim 59.

The Examiner also relies upon a combination of references to render the claimed invention unpatentable. The primary reference, Kirta, discloses a writing instrument in which a pen element has an ink leader portion 12, a writing part 13 and a viewer portion 11a. The pen element is configured so that the outer periphery of a support member 11 is covered with the ink leader 12. The support member 11 is made up of a transparent resin and forms the viewer portion 11a since the sides are left uncovered by the ink leader 12. The ink leader 12 is formed of a porous material such as a sponge, a fiber bundle, or ceramic, and surrounds the outer peripheral

side of the support member 11. A user can thus view the end of the drawing line by looking through the viewer portion 11a. As explained at col. 6, lines 31-36, the purpose of the viewer portion 11a is to improve handling performance of the pen by allowing the use to see the other side of the line being drawn. Irrespective of whether the barrel portion 100 is transparent, the support member 11, and hence the viewer portion 11a does not allow the user to see the remaining ink quantity within ink absorbing element 101 since the ink does not flow through support member 11 in order to reach ink leader 12.

The Examiner further relies upon Takanashi for its alleged disclosure of a transparent barrel 12 and ink guiding feed 18. As explained above, even combining the teaching of a transparent barrel with that of Kirita, the one skilled in the art still would not obtain a writing instrument in which "a sign of exhausting the ink fed from the ink occlusion body is detected by visually observing the ink guiding feed via a visible part formed in the barrel," as recited in claim 21, or "an ink guiding feed formed of a transparent or translucent material disposed between the ink occlusion body and the pen tip," as recited in newly added claim 59.

In addition, Takanashi discloses a writing implement of free ink type which comprises a barrel cylinder 12, a holder 14 holding a pen core 10, and has a collector 18 and an ink tank 16 in the barrel cylinder. The barrel cylinder, collector and ink tank are formed of a transparent material. Thus, a user can see the ink stored in the tank 16, the temporarily retained ink in the collector, the intermediary core 24 and the pen core 10. However, the intermediary core is made up of a compressed fabric element. Therefore, as explained above with respect to Quercioli, once the intermediary core is tinted with the ink during normal use, the ink

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exhaustion can not be detected through visual observation of the intermediary core.

Accordingly, Takanashi does not provide the teaching which was found lacking in the primary reference.

Madaus, upon which the Examiner relies, discloses a second cap having a window through which a user can see the presence or absence of a correction cartridge in the reserve compartment.

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

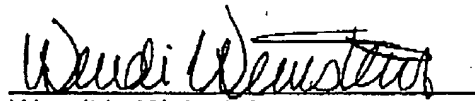
Further, the Applicant has provided physical samples of the cited prior art instruments to the undersigned counsel in order to better illustrate the differences between the claimed invention and the same and to assist in understanding these differences. Should any questions arise in connection with this application or should the Examiner believe that a demonstration of these products would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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